

# MINNEAPOLIS CITY COUNCIL OFFICIAL PROCEEDINGS

## REGULAR MEETING OF AUGUST 20, 2010

(Published August 28, 2010, in *Finance and Commerce*)

Council Chamber

350 South 5th Street

Minneapolis, Minnesota

August 20, 2010 - 9:30 a.m.

Council Vice President Lilligren in the Chair.

Present - Council Members Colvin Roy, Tuthill, Quincy, Glidden, Hodges, Samuels, Gordon, Reich, Hofstede, Schiff, Vice President Lilligren.

Absent – Council Member Goodman, Council President Johnson.

Schiff moved adoption of the agenda. Seconded.

Schiff moved to amend the agenda to include under “Adjournment” that the meeting shall adjourn to Room 315, City Hall, for the purpose of discussing the matter of Baribeau, et al., v. City of Minneapolis. Seconded.

Adopted upon a voice vote 8/20/2010.

Absent - Goodman, Johnson.

The agenda, as amended, was adopted upon a voice vote 8/20/2010.

Absent - Goodman, Johnson.

Schiff moved acceptance of the minutes of the regular meeting of August 6, 2010. Seconded.

Adopted upon a voice vote 8/20/2010.

Absent - Goodman, Johnson.

Schiff moved referral of petitions and communications and reports of the City officers to the proper Council committees and departments. Seconded.

Adopted upon a voice vote 8/20/2010.

Absent - Goodman, Johnson.

### PETITIONS AND COMMUNICATIONS

#### **COMMUNITY DEVELOPMENT (See Rep):**

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (274427)

Metropolitan Council Livable Communities Local Housing Incentive Account Grant Funds: Authorize Acknowledgement of Receptivity to LCA funding award form for projects.

Bystrom Brothers Project: Support of request for rextnsion & budget amendment of Metropolitan Council Livable Communities Demonstration Account grant.

#### **COMMUNITY DEVELOPMENT and WAYS & MEANS/BUDGET (See Rep):**

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (274428)

Environmental Remediation Grants for Spring 2010: Accept & appropriate awards from MN Department of Employment & Economic Development Contamination Cleanup and Investigation Grant

Program, the Metropolitan Council Livable Communities Tax Base Revitalization Account Grant Program & Hennepin County Environmental Response Fund.

**PUBLIC SAFETY AND HEALTH (See Rep):**

REGULATORY SERVICES (274429)

Owner Responsibility for Illegally Parked Vehicles: Clarifying ordinances with regard to the registered owners in light of the State Appeals Court decision.

**PUBLIC SAFETY AND HEALTH and WAYS & MEANS/BUDGET (See Rep):**

POLICE DEPARTMENT (274430)

In-Squad Cameras: Accept 53 in-squad cameras from the Minnesota Department of Public Safety; Execute the necessary agreements with the Minnesota Sheriff's Association as the State's agent; and Approve local match of \$15,900 from Police Forfeiture Funds.

**REGULATORY, ENERGY AND ENVIRONMENT:**

REGULATORY SERVICES (274431)

Drainage Standards: Proposed ordinance to deal with drainage complaints (Referred to staff 7/12/2010).

**REGULATORY, ENERGY AND ENVIRONMENT (See Rep):**

LICENSES AND CONSUMER SERVICES (274432)

Broadway and Fremont (1120 W Broadway): Passage of Resolution approving Business License Operating Conditions relating to Grocery, Tobacco Dealer and Gasoline Filling Station Licenses.

Penn Gas Stop (2606 Penn Av N): Approve Business License Operating Conditions relating to Grocery, Tobacco Dealer, Gasoline Filling Station and Food Manufacturer Licenses.

Sophea Fresh Fruit (315 Nicollet Av): Approve Business License Operating Conditions relating to Mobile Food Vendor License.

Metro Petro (2700 University Av SE): Approve License Settlement Conference recommendations relating to Grocery, Tobacco Dealer, Off-Sale Beer, Gasoline Filling Station and Food Manufacturer Licenses.

LICENSES AND CONSUMER SERVICES (274433)

Licenses: Applications.

LICENSES AND CONSUMER SERVICES (274434)

Stella's Fish Cafe (1402 W Lake St): Grant On-Sale Liquor Class B with Sunday Sales License, subject to conditions (permanent expansion of premises for expanded rooftop dining for 158 patrons, and an added upper deck for 48 patrons).

Wanderer's Wondrous Azian Kitchen (533 Hennepin Av): Grant Sidewalk Cafe License, subject to conditions.

PUBLIC WORKS AND ENGINEERING (274435)

Indoor Space Temperature Policy: Adopt revised policy for City owned and operated facilities.

**REGULATORY, ENERGY AND ENVIRONMENT and WAYS & MEANS/BUDGET (See Rep):**

PUBLIC WORKS AND ENGINEERING (274436)

Solar Development/Services at Convention Center: Amend Solar Services Agreement with MCC Solar LLC to accommodate a project price increase of \$70,000, to be recovered by the developer through a negotiated price increase for the renewable energy and related solar services over the term of the contract.

REGULATORY SERVICES (274437)

License Fees: Approve increasing fees by 1.5% effective January 1, 2011, with the exception of the Pollution Control Annual Billings, which shall be increased by 3%.

**TRANSPORTATION AND PUBLIC WORKS:**

**PUBLIC WORKS AND ENGINEERING (274438)**

14th Ave N Cul-de-sac Construction Project No 9895: Continue public hearing to September 28, 2010.

Chicago-Lake, Bloomington-Lake, and East Lake Special Service Districts: Set assessment public hearing.

Water and Sewer Service Line Repairs: Set assessment public hearing.

Downtown Business Improvement Special Service District: Set assessment public hearing.

Draft Bicycle Master Plan: August 2010 draft plan; PowerPoint.

**TRANSPORTATION AND PUBLIC WORKS (See Rep):**

**PUBLIC WORKS AND ENGINEERING (274439)**

Lyndale-Lake Special Service District: Assessment public hearing; Comments.

Water and Sewer Service Line Repairs: Ordinance setting assessment penalty and interest rates.

Special Boulevard Permit Applications: 3644 and 3648 Lyndale Ave S.

Hennepin County Application for U.S. Dept of Transportation Tiger II Discretionary Grant: Letter of support.

Minneapolis Non-Motorized Transportation Pilot Project Bicycle Parking: a) Agreements with Minnesota Department of Transportation (Mn/DOT); and b) Authorize installation.

RiverLake Greenway: a) Agreements with Mn/DOT; and b) Extend consulting pool contract.

**PUBLIC WORKS AND ENGINEERING (274440)**

Uptown Special Service District Advisory Board: Appointments.

Nicollet Ave S Special Service District Advisory Board: Appointments.

Linden Hills Special Service District Advisory Board: Appointments.

Dinkytown Special Service District Advisory Board: Appointments.

Central Ave Special Service District Advisory Board: Appointments.

48th & Chicago Ave Special Service District Advisory Board: Appointments.

South Hennepin Special Service District Advisory Board: Appointments.

Lyndale-Lake St Special Service District Advisory Board: Appointments.

East Lake St Special Service District Advisory Board: Appointments.

Chicago-Lake St Special Service District Advisory Board: Appointments.

Bloomington-Lake St Special Service District Advisory Board: Appointments.

**TRANSPORTATION AND PUBLIC WORKS and WAYS & MEANS/BUDGET (See Rep):**

**PUBLIC WORKS AND ENGINEERING (274441)**

State Parking Ramps A & C: Change order to contract with Lund Martin Co for revenue control equipment.

State Parking Ramp B: Change order to contract with Lund Martin Co for 2nd Ave N Entrance Project.

Emergency Operations Training Facility: Appropriation increase for apparatus bay addition.

Source Water Protection Plan Implementation Grant: Accept grant.

Bids: a) OP 7307, Bid of Terra General Contractors, LLC for Pioneers and Soldiers Memorial Cemetery fence restoration; b) OP 7313, Bid of Viking Acoustical Corporation for analyst consoles; c) OP 7315, Bid of Brown Traffic Products, Inc. for programmable signal heads; d) OP 7316, Bid of Groove Tech of MN, Inc. for pavement marking tape; e) OP 7321, Low bid of Derovations Corporation d/b/a/ Dero Bike Rack Company for bicycle racks; and f) OP 7322, Low bid of Max Steininger, Inc. for the Riverlake Greenway Project Phase III.

**WAYS AND MEANS BUDGET:**

**FINANCE DEPARTMENT (274442)**

2010 Financial Status Report: 2nd Quarter.

**WAYS AND MEANS BUDGET (See Rep):**

ATTORNEY (274443)

Legal Settlement: Don Blyly v. City of Minneapolis, et. al.

Conflict of Interest Waiver: Briggs and Morgan Law Firm regarding the matter of City of Minneapolis v. Minneapolis Police Relief Association and Minneapolis Firefighters' Relief Association.

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (274444)

Hennepin Youth Sports Program Grant: Accept and appropriate grant funds from Hennepin County for El Colegio Charter School, for construction of a soccer field; and enter into subrecipient grant agreements.

Housing and Urban Development (HUD) Sustainable Communities Regional Planning Grant Program: Authorize submittal of a letter of commitment to participate in regional application.

MINNEAPOLIS CONVENTION CENTER (274445)

OP #7311: Accept low bidders of Swanson and Youngdale, Inc. and Painting by Nakasone, to furnish and deliver wall fabric replacement.

REGULATORY SERVICES (274446)

Disaster Simulation Exercise: Approve contract with the Wisconsin Department of Military Affairs.

**ZONING AND PLANNING (See Rep):**

INSPECTIONS/BOARD OF ADJUSTMENT (274447)

Appeals:

Franklin Housing Co-op (2300 Franklin Ave E)

Community First Development (3008 26th St E)

Community First Development (1122 Lincoln St NE)

PLANNING COMMISSION/DEPARTMENT (274448)

Appeal:

Mississippi Watershed Management Organization (2522 Marshall St NE)

Vacations:

Minneapolis Special School District No. 1 (3810 56th St E)

Shamrock Development (Portion of 12th Ave S)

Minneapolis Community & Technical College (vicinity of Willow St)

Zoning Code Text Amendment:

Title 20, Chapter 541: Parking Area Surfaces

**FILED:**

MINNESOTA COURT OF APPEALS (274449)

Rental Dwelling License at 729 E 16th St: Order Opinion from Judge Louis Dovre Bjorkman regarding the appeal filed by John T. Jensen, II challenging the City's revocation of his rental property license.

*The following reports were signed by Mayor Rybak on August 25, 2010, unless noted otherwise. Minnesota Statutes, Section 331A.01, Subd 10, allows for summary publication of ordinances and resolutions in the official newspaper of the city.*

**REPORTS OF STANDING COMMITTEES**

**The COMMITTEE OF THE WHOLE submitted the following report:**

Lilligren moved to find under Council Rule 4 that the regular Council cycle is not adequate, and to consider the action of the Committee of the Whole from August 19, 2010, regarding proposed charter amendments at this meeting. Seconded.

Adopted 8/20/2010.

Absent - Goodman, Johnson.

**Comm of the Whole** - Your Committee, having under consideration a proposed ordinance amending Chapter 2, of the Minneapolis City Charter relating to *Officers - Elections* updating sections affected by the state statute extending the timeframe for absentee balloting and housekeeping corrections, now recommends that said ordinance be referred to the Minneapolis Charter Commission for consideration and referral to the City Council for adoption by unanimous vote.

Adopted 8/20/2010.

Absent - Goodman, Johnson.

**The COMMUNITY DEVELOPMENT Committee submitted the following reports:**

**Comm Dev** - Your Committee, having under consideration Metropolitan Council Livable Communities Local Housing Incentive Account grant funding to certain projects located in the City of Minneapolis, now recommends passage of the accompanying resolution authorizing the proper City officers to sign an Acknowledgement of Receptivity to an LCA Funding Award form for the following projects/developers/funding requests:

2600 17th Avenue South – Alliance Housing Inc. (\$750,000)

520 2nd Street SE - Second Street Holdings, LLC (\$950,000)

Andrew Riverside Apartments - CommonBond Communities (\$565,177)

Diamond Hill Townhomes - Community Housing Development Corp (\$750,000)

Emmanuel Housing - RS Eden (\$2,673,773)

Adopted 8/20/2010.

Absent - Goodman, Johnson.

Resolution 2010R-381, authorizing the proper City officials to sign an Acknowledgement of Receptivity to an LCA Funding Award form in support of the award of Metropolitan Council Livable Communities Local Housing Incentive Account grant funds to certain projects located in the City of Minneapolis (2600 17th Ave S, 520-2nd St SE, Andrew Riverside Apartments, Diamond Hill Townhomes & Emanuel Housing), was adopted 8/20/2010 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2010R-381**

**By Goodman**

**Authorizing the proper City officials to sign an Acknowledgement of Receptivity to an LCA Funding Award form in support of the award of Metropolitan Council Livable Communities Local Housing Incentive Account grant funds to certain projects located in the City of Minneapolis.**

Whereas, the City of Minneapolis (the “City”) was and is a participant in the Livable Communities Act’s Housing Incentives Program as determined by the Metropolitan Council, and is therefore eligible to participate in the Local Housing Incentive Account grant program; and

Whereas, the Metropolitan Council has notified the City that the following projects applied for funds through the Minnesota Housing Common Application process: 2600 17th Avenue South – Alliance, 520 2nd Street SE, Andrew Riverside Apartments, Diamond Hill Townhomes, and Emanuel Housing; and

Whereas, based upon preliminary information about the projects, the City believes it will accept and make available in a timely manner to these applicants any Livable Communities Act award to the City to assist the housing program or activity proposed in the applications submitted for the above-mentioned projects in June of 2010, subject to such terms and conditions as City determines in its discretion are in the best interests of the City and comport with the grant program’s purposes and criteria;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the City Council authorizes the appropriate City officials to sign an Acknowledgement of Receptivity to an LCA Funding Award in support of the award of Metropolitan Council Livable Communities Local Housing Incentive Account grant funds to certain projects located in the City of Minneapolis.

Adopted 8/20/2010.

Absent - Goodman, Johnson.

**Comm Dev** - Your Committee, having under consideration a request for the extension and budget amendment of the Metropolitan Council Livable Communities Demonstration Account (LCDA) grant for the Bystrom Brothers project, now recommends passage of the accompanying resolution supporting the Bystrom Brothers MCDA grant extension.

Adopted 8/20/2010.

Absent - Goodman, Johnson.

Resolution 2010R-382, supporting the Bystrom Brothers Metropolitan Council Livable Communities Act grant extension, was adopted 8/20/2010 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2010R-382**

**By Goodman**

**Supporting the Bystrom Brothers Metropolitan Council Livable Communities Act grant extension.**

Whereas, in 2008 the City of Minneapolis received a Livable Communities Demonstration Account grant in the amount of \$550,000 (SG008-112) to acquire property thought to be necessary for the realignment of East 22nd Street associated with the redevelopment of the Bystrom Brothers site (hereinafter referred to as "the grant" and "the grant activities"); and

Whereas, the original expiration date of the 2007 Livable Communities Demonstration Account grant (SG008-112) is December 31, 2010; and

Whereas, due to additional design work on the East 22nd Street realignment, property acquisition is no longer necessary, and the City requests that the funds be re-programmed for costs resulting from utility relocation associated with the reconstruction of East 22nd Street; and

Whereas, due to reduced availability of project financing and overall tight credit markets, the Touchstone project is not expected to begin construction until Spring 2011, with a completion of Spring 2012; and

Whereas, PPL continues to make application for remaining project funds needed to begin construction on the Touchstone project; and

Whereas, the City of Minneapolis is requesting that the 2008 Livable Communities Demonstration Account grant for the Bystrom Brothers site (SG008-112) be extended to June 30, 2012;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the Minneapolis City Council expresses its full support of the requested Livable Communities Program grant extension and budget amendment for the Bystrom Brothers Project, and expresses confidence that the utility relocation work associated with the reconstruction of East 22nd Street and the Touchstone project itself will be substantially completed by June 30, 2012.

Adopted 8/20/2010.

Absent - Goodman, Johnson.

**The COMMUNITY DEVELOPMENT and WAYS & MEANS/BUDGET Committees submitted the following report:**



**Comm Dev & W&M/Budget** - Your Committee, having under consideration environmental remediation grant applications, now recommends that the proper City officers be authorized to accept and appropriate the following grant awards with the agencies and for projects listed below, and that the proper City officers be authorized to execute grant, subrecipient and/or disbursement and related agreements for these grants:

**Minnesota Department of Employment and Economic Development (DEED) Contamination Cleanup and Investigation Grant Program Awards:**

<b>Project</b>	<b>Recipient/Lead Developer</b>	<b>Grant Award</b>
Linden Hills	City of Mpls/Linden Hills Redevelopment LLC	\$323,133
New French Bakery	City of Mpls/Bridal Veil Bakery LLC	\$727,050
3100 Excelsior Boulevard	City of Mpls/3100 Excelsior Boulevard LLC	\$350,000

**Metropolitan Council Livable Communities Tax Base Revitalization Account (TBRA) Grant Awards:**

<b>Project</b>	<b>Recipient/Lead Developer</b>	<b>Grant Award</b>
4th Street Flats	City of Mpls/Doran Companies	\$347,500
Linden Hills	City of Mpls/Linden Hills Redevelopment LLC	\$35,900
New French Bakery	City of Mpls/Bridal Veil Bakery LLC	\$137,100
New Millennium Charter School	City of Mpls/Land Ho LLC	\$50,000
North Loop Gateway	City of Mpls/Land Ho LLC	\$213,500

**Hennepin County Environmental Response Fund (ERF) Grant Awards:**

<b>Project</b>	<b>Recipient/Lead Developer</b>	<b>Grant Award</b>
Broadway Green Apartments	City of Mpls/Legacy Management & Development	\$50,000
Linden Hills	City of Mpls/Linden Hills Redevelopment LLC	\$35,907
New Millennium Charter School	City of Mpls/Land Ho LLC	\$49,975
SEMI—West Pond	City of Mpls	\$96,350

Your Committee further recommends passage of the accompanying resolution increasing the Community Planning and Economic Development (CPED) Department appropriation to reflect the receipt of grant funds, and increasing the revenue budget.

Adopted 8/20/2010.

Absent - Goodman, Johnson.

**RESOLUTION 2010R-383  
By Goodman and Hodges**

**Amending the 2010 General Appropriation Resolution.**

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended as follows:

- Increasing the appropriation in the Department of Community Planning & Economic Development (CPED) Grants Other Fund (01600-8900320) by \$1,623,975;
- Increasing the appropriation in the CPED Grants Other Fund (01600-8900220) by \$792,440;
- Increasing the revenue source for the CPED Grants Other Fund (01600-8900900-321504) by \$1,400,183;

d) Increasing the revenue source for the CPED Grants Other Fund (01600-8900900-321513) by \$784,000; and

e) Increasing the revenue source for the CPED Grants Other Fund (01600-8900900-322002) by \$232,232.

Adopted 8/20/2010.

Absent - Goodman, Johnson.

**The PUBLIC SAFETY & HEALTH Committee submitted the following report:**

**PS&H** - Your Committee, to whom was referred ordinances amending Title 18 of the Minneapolis Code of Ordinances relating to *Traffic Code*, clarifying the ordinances with regard to the registered owners' responsibility for illegally parked vehicles in light of the State Appeals Court decision, now recommends that the following ordinances be given their second reading for amendment and passage:

a. Chapter 466 relating to *In General*.

b. Chapter 478 relating to *Parking, Stopping and Standing*.

Adopted 8/20/2010.

Absent - Goodman, Johnson.

Ordinance 2010-Or-075 amending Title 18, Chapter 466 of the Minneapolis Code of Ordinances relating to *Traffic Code: In General*, amending Section 466.30 to clarify the ordinance with regard to the registered owners' responsibility for illegally parked vehicles, was adopted 8/20/2010 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

**ORDINANCE 2010-Or-075**

**By Samuels**

**Intro & 1st Reading: 7/23/2010**

**Ref to: PS&H**

**2nd Reading: 8/20/2010**

**Amending Title 18, Chapter 466 of the Minneapolis Code of Ordinances relating to Traffic Code: In General.**

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Section 466.30, definition of Owner, of the above-entitled ordinance be amended to read as follows:

**466.30. Definitions.** Whenever used in the traffic code, the following words or phrases shall have the meanings ascribed to them:

*Owner:* A person who holds the legal title of a vehicle, or in the event a vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee, or in the event a mortgagor of a vehicle is entitled to possession, then such conditional vendee or lessee or mortgagor shall be deemed the owner. ~~The operation or use of a motor vehicle in violation of the traffic code shall be prima facie evidence that said motor vehicle was at the time of such violation controlled, operated and used by the owner thereof.~~

Adopted 8/20/2010.

Absent - Goodman, Johnson.

Ordinance 2010-Or-076 amending Title 18, Chapter 478 of the Minneapolis Code of Ordinances relating to *Traffic Code: Parking, Stopping and Standing*, adding a new Section 478.270 and amending Section 278.550 to clarify the ordinance with regard to the registered owners' responsibility for illegally parked vehicles, was adopted 8/20/2010 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.



AUGUST 20, 2010

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The following is the complete text of the unpublished summarized ordinance.

**ORDINANCE 2010-Or-076**  
**By Samuels**  
**Intro & 1st Reading: 7/23/2010**  
**Ref to: PS&H**  
**2nd Reading: 8/20/2010**

**Amending Title 18, Chapter 478 of the Minneapolis Code of Ordinances relating to Traffic Code: Parking, Stopping and Standing.**

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Chapter 478 of the Minneapolis Code of Ordinances be amended by adding thereto a new Section 478.270 to read as follows:

**478.270. Violation; penalty for owner or lessee.** If a motor vehicle is stopped, standing, or parked in violation of any section of this chapter, except any section of Article IV, the owner of the vehicle, or for a leased motor vehicle the lessee of the vehicle, is guilty of the violation and subject to any penalty as provided by this Code.

(1) The owner or lessee may not be penalized if

- a. another person is penalized, convicted for, or pleads guilty to, that violation, or
- b. the motor vehicle was stolen at the time of the violation.

(2) This section does not apply to a lessor of a motor vehicle if the lessor keeps a record of the name and address of the lessee.

(3) This section does not prohibit or limit the criminal, administrative or civil prosecution of a motor vehicle operator for violating any provision of this chapter.

Section 2. That Section 478.550 of the above-entitled ordinance be amended to read as follows:

**478.550. Spaces reserved for handicapped parking; penalties.** (a) No person shall park a motor vehicle in a parking space designated and reserved for the physically handicapped unless:

(1) That person is physically handicapped or is operating the vehicle under the direction and for the use of a physically handicapped person; and

(2) Such vehicle visibly bears or contains a proper identifying certificate.

(b) Failure to obey the above provisions shall constitute a petty misdemeanor. Vehicles in violation may be removed and impounded as provided in Article X of this chapter.

~~(c) In any prosecution charging a violation of the above provisions, proof of the identity of the registered owner of the particular vehicle described in the citation shall create a prima facie presumption that that individual was the person who parked such vehicle at the point where the violation occurred.~~

~~(d)~~(c) The above provisions shall apply to parking spaces, on both public and private property, which are designated and reserved for physically handicapped persons by state or local law or through the action of persons who own or are in lawful possession of the subject property.

Adopted 8/20/2010.

Absent - Goodman, Johnson.

**The PUBLIC SAFETY & HEALTH and WAYS & MEANS/BUDGET Committees submitted the following report:**

**PS&RS & W&M/Budget** - Your Committee recommends passage of the accompanying resolution accepting an award of 53 in-squad cameras from the Minnesota Department of Public Safety.

Adopted 8/20/2010.

Absent - Goodman, Johnson.

Resolution 2010R-384, accepting an award of 53 in-squad cameras from the Minnesota Department of Public Safety, was adopted 8/20/2010 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2010R-384  
By Samuels and Hodges**

**Accepting an award of 53 In-Squad Cameras from the Minnesota Department of Public Safety.**

Resolved by The City Council of The City of Minneapolis:

That the proper City officers be authorized to accept an award of 53 in-squad cameras from the Minnesota Department of Public Safety, Office of Traffic Safety, valued at \$291,500. The cameras will be purchased and distributed for the Police Department by the Minnesota Sheriff's Association.

Be It Further Resolved that the proper City officers be authorized to execute the necessary agreements with the Minnesota Sheriff's Association as the State's agent to accept the cameras.

Be It Further Resolved that the required local match of \$300 per cameras, for a total of \$15,900, will be made from the Police Department's Forfeiture Funds (01210-4002110).

Adopted 8/20/2010.

Absent - Goodman, Johnson.

**The REGULATORY, ENERGY & ENVIRONMENT Committee submitted the following reports:**

**RE&E** - Your Committee, having under consideration the application of Lakes Restaurant Inc, dba Stella's Fish Cafe & Prestige Oyster Bar, 1402 W Lake St, for an On-Sale Liquor Class B with Sunday Sales License (permanent expansion of premises for expanded rooftop dining for 158 patrons, and an added upper deck for 48 patrons) to expire January 1, 2011, and having held a public hearing thereon, now recommends that said license be granted, subject to the following conditions:

- a. There shall be no speakers or amplified sound on the new upper deck.
- b. Food and beverage service shall cease at Midnight and all patrons shall exit the new upper deck by 12:30 a.m.
- c. A six foot tall wall shall be maintained on the south and east sides of the new upper deck.
- d. A six foot tall wall shall be maintained on the south side of the existing rooftop deck and extend 14 feet from the southeast corner on the east wall on the existing deck.
- e. Final inspection and compliance with all provisions of applicable codes and ordinances.

Glidden moved that the report be amended by modifying license condition "c" and adding a new condition "f" to read as follows:

"c. A six foot tall wall shall be maintained on the south, ~~and east~~ east and north sides of the new upper deck. The north side wall modification shall be completed no later than September 7, 2010.

f. A six foot tall wall shall also be constructed and maintained on the north side of the original rooftop and shall be completed no later than April 15, 2011." Seconded.

Adopted by unanimous consent.

The report, as amended, was adopted 8/20/2010.

Absent - Goodman, Johnson.

Approved by Mayor Rybak 8/20/2010.

(Published 8/24/2010)

**RE&E** - Your Committee, having under consideration the application of Wanderer's Food & Cocktail, Inc, dba Wanderer's Wondrous Azian Kitchen, 533 Hennepin Av, for an On-Sale Liquor Class B with Sunday Sales License (permanent expansion of premises) to expire July 1, 2011, and a Sidewalk Cafe License (new business) to expire April 1, 2011, and having held a public hearing thereon, now recommends that said license be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances, and approval by the Public Works Traffic Engineer.

Adopted 8/20/2010.

Absent - Goodman, Johnson.

Approved by Mayor Rybak 8/20/2010.

(Published 8/24/2010)

**RE&E** - Your Committee recommends passage of the accompanying resolution approving Business License Operating Conditions relating to the Grocery, Tobacco Dealer and Gasoline Filling Station Licenses held by Broadway and Fremont, 1120 W Broadway.

Adopted 8/20/2010.

Absent - Goodman, Johnson.

Resolution 2010R-385, approving Business License Operating Conditions relating to the Grocery, Tobacco Dealer and Gasoline Filling Station Licenses held by Broadway and Fremont, 1120 W Broadway, was adopted 8/20/2010 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2010R-385**  
**By Glidden**

**Approving Business License Operating Conditions relating to the Grocery, Tobacco Dealer and Gasoline Filling Station Licenses held by Broadway and Fremont, 1120 W Broadway.**

Resolved by The City Council of The City of Minneapolis:

That it approves the following Business License Operating Conditions relating to the Grocery, Tobacco Dealer and Gasoline Filling Station Licenses held by Broadway and Fremont, 1120 W Broadway:

1. "No Trespassing" signs will remain clearly posted on the exterior of the business. Store staff will immediately ask people that are observed loitering in the immediate vicinity of the store to leave. If the loitering activity persists, staff will call 911 and request police assistance to alleviate the loitering activity. The business agrees to cooperate fully in the prosecution of all criminal activity.

2. The owner shall comply with the minimum standards assigned to surveillance cameras under Minneapolis Code of Ordinances 259.230. Signs shall be posted alerting the public that the area is under camera surveillance. Additionally, the business has agreed to install and maintain surveillance cameras in two locations to cover both the front gas pump area and the rear of the building by August 20, 2010.

3. The business agrees to remove all litter and debris within 100 feet of the property line four times per day. Those times shall include the starting and closing of the business.

4. The business has agreed to have at least two employees working from 7:00 p.m. to closing.

5. The business has agreed to relocate the dumpster enclosure to the rear (northwest) side of the facility by August 20, 2010.

6. The business has agreed to install a 6 foot chain link fence at the rear of the facility. The fence will run the width of the opening on the east side between the business and the existing church. On the Fremont Avenue side of the lot, the fence will be installed so as to close any opening adjacent to the dumpster enclosure. The business has agreed to complete this by August 20, 2010.

7. The business has cleared all existing windows of all obstructions providing a clear view inside and out and has agreed to maintain the windows in this manner.

8. The business has patched the asphalt lot surface and has agreed to maintain the surface free of holes in a professional manner.

9. The business has agreed to painting of the window frames and the installation of plants in the planters below the windows by August 20, 2010.

10. The business has agreed to professionally install a sign with the business name in the existing sign fixture located on the southeast corner of the business property facing West Broadway Avenue. The business has agreed to acquire a permit for this project within eight months of license approval and to have the work completed within one year of license approval.

11. The business has agreed not to sell items which are commonly used by drug users and drug dealers. These items include bongs, glass pipes (sometimes with roses inside), Brillo Pads or Chore

Boy products, tobacco pipes, small zip lock bags also known as jewelry bags, and single use tobacco products to include rolling papers.

Adopted 8/20/2010.

Absent - Goodman, Johnson.

**RE&E** - Your Committee recommends passage of the accompanying resolution approving Business License Operating Conditions relating to the Grocery, Tobacco Dealer, Gasoline Filling Station and Food Manufacturer Licenses held by Penn Gas Stop, 2606 Penn Av N.

Adopted 8/20/2010.

Absent - Goodman, Johnson.

Resolution 2010R-386, approving Business License Operating Conditions relating to the Grocery, Tobacco Dealer, Gasoline Filling Station and Food Manufacturer Licenses held by Penn Gas Stop, 2606 Penn Av N, was adopted 8/20/2010 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2010R-386**

**By Glidden**

**Approving Business License Operating Conditions relating to the Grocery, Tobacco Dealer, Gasoline Filling Station and Food Manufacturer Licenses held by Penn Gas Stop, 2606 Penn Av N.**

Resolved by The City Council of The City of Minneapolis:

That it approves the following Business License Operating Conditions relating to the Grocery, Tobacco Dealer, Gasoline Filling Station and Food Manufacturer Licenses held by Penn Gas Stop, 2606 Penn Av N:

1. "No Trespassing" signs will remain clearly posted on the exterior of the business. Store staff will immediately ask people that are observed loitering in the immediate vicinity of the store to leave. If the loitering activity persists, staff will call 911 and request police assistance to alleviate the loitering activity. The business agrees to cooperate fully in the prosecution of criminal activity.

2. The business has agreed not to sell items which are commonly used by drug users and drug dealers. These items include bongs, glass pipes (sometimes with roses inside), Brillo Pads or Chore Boy products, tobacco pipes, small zip lock bags also known as jewelry bags, and single use tobacco products to include rolling papers. The business will also agree not to supply matches to non-tobacco customers.

3. The business agrees to keep all exterior and interior lights illuminated and functioning properly.

4. All windows will be free of signs and other items that block the view in and out, as is specified in Minneapolis Ordinance 543.350.

5. The owner shall comply with the Surveillance Camera Ordinance.

6. The business agrees to clean the property, and all areas within 100 feet of the property line, of litter and trash four times daily to include the opening and closing of the business. The business shall maintain a litter receptacle in front of the business that is convenient for customer use.

7. Refuse shall be stored in a regularly serviced, closed container (dumpster) that shall be maintained screened from view as is required by Minneapolis Codes. At no time shall this refuse container be overfilled so that the cover cannot be completely closed at all times.

Adopted 8/20/2010.

Absent - Goodman, Johnson.

**RE&E** - Your Committee recommends passage of the accompanying resolution approving Business License Operating Conditions relating to the Mobile Food Vendor License held by Sophea Fresh Fruit, 315 Nicollet Av.

Adopted 8/20/2010.

Absent - Goodman, Johnson.

Resolution 2010R-387, approving Business License Operating Conditions relating to the Mobile Food Vendor License held by Sophea Fresh Fruit, 315 Nicollet Av, was adopted 8/20/2010 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2010R-387**  
**By Glidden**

**Approving Business License Operating Conditions relating to the Mobile Food Vendor License held by Sophea Fresh Fruit, 315 Nicollet Av.**

Resolved by The City Council of The City of Minneapolis:

That it approves the following Business License Operating Conditions relating to the Mobile Food Vendor License held by Sophea Fresh Fruit, 315 Nicollet Av:

1. Trailer jacks must be placed on moving pads and planks as needed to protect the sidewalk surface.
2. The surface under the trailer must be protected by an impervious barrier (i.e. tarp) to protect the sidewalk surface from slippery or corrosive materials.
3. On Nicollet Mall, vendors may not set up or remove their vehicles between the hours of 7:00 a.m. to 9:00 a.m. and 4:00 p.m. to 5:30 p.m., Monday through Friday.
4. Vendors on Nicollet Mall are limited to vehicles or trailers that do not exceed 3,000 pounds (unloaded).
5. Farmer's Market has priority on location site. Vendors on Nicollet Mall must coordinate with Farmer's Market on site location or not operate.
6. There may be other sidewalk vendor licenses granted near your site. When setting up, you are required to coordinate with other vendors to ensure proper clearances for pedestrian traffic.

Adopted 8/20/2010.

Absent - Goodman, Johnson.

**RE&E** - Your Committee recommends passage of the accompanying resolution granting applications for Liquor, Wine and Beer Licenses.

Adopted 8/20/2010.

Absent - Goodman, Johnson.

Resolution 2010R-388, granting applications for Liquor, Wine and Beer Licenses, was adopted 8/20/2010 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2010R-388**  
**By Glidden**

**Granting Liquor, Wine and Beer Licenses.**

Resolved by The City Council of The City of Minneapolis:

That the following applications for liquor, wine and beer licenses be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances (Petr No 274433):

**On-Sale Liquor Class A with Sunday Sales, to expire July 1, 2011**

I & E Inc, dba Bunker's, 761 Washington Av N, 1st floor

**On-Sale Liquor Class B with Sunday Sales, to expire July 1, 2011**

Hard Knocks Holdings LLC, dba Ugly Mug, 106 3rd St N

Loring Pasta Bar LLC, dba Loring Pasta Bar, 327 14th Av SE  
Toro Restaurant LLC, dba Barrio, 925 Nicollet Mall  
OJS LLC, dba Loring Kitchen and Bar, 1359 Willow St  
FH Bill Inc, dba The Corner Bar, 1501 Washington Av S  
Lala & Reyes LLC, dba Las Mojarras Restaurant Bar, 1507 E Lake St  
Zuhrah Shrine Temple, dba Zuhrah Shrine Temple, 2540 Park Av  
Nora's Calhoun Inc, dba Tryg's, 3118 W Lake St

**On-Sale Liquor Class B with Sunday Sales, to expire October 1, 2010**

C & H Inc, dba U Garden, 2725 University Av SE (downgrade to Class B with Sunday Sales)

**On-Sale Liquor Class C-1 with Sunday Sales, to expire July 1, 2011**

Sterbs Development LLC, dba Stub & Herbs, 227 Oak St SE

Lurcat LLC, dba Cafe and Bar Lurcat, 1624 Harmon Pl

**On-Sale Liquor Class C-2 with Sunday Sales, to expire April 1, 2011**

Tees Ethio Asian Cuisine LLC, dba T's Place, 2713 E Lake St

**On-Sale Liquor Class E with Sunday Sales, to expire July 1, 2011**

Capital Grille Holdings Inc, dba Capital Grille, 801 Hennepin Av

**Temporary On-Sale Liquor**

Northern Clay Center, dba Northern Clay Center, 2424 E Franklin Av (September 10, 2010, 5:00 to 9:00 p.m., fundraising benefit & celebration)

Northern Clay Center, dba Northern Clay Center, 2424 E Franklin Av (October 16, 2010, 5:00 p.m. to 9:00 p.m., fundraising benefit & celebration)

**On-Sale Wine Class E with Strong Beer, to expire April 1, 2011**

Molly's Inc, dba Broders Cucina Italiana, 2308 W 50th St (new corporate officer)

Neighborhood Food LLC, dba Prima Pasta Salads Panini, 5325 Lyndale Av S (name change)

**Off-Sale Beer, to expire April 1, 2011**

Silver Gas Company, dba Winner on Lyndale, 4501 Lyndale Av N

**Temporary On-Sale Beer**

St. Anne/St. Joseph Hien Parish, dba St. Anne/St. Joseph Hien Parish, 2627 Queen Av N (August 20 - 22, 2010, 4:00 p.m.).

Adopted 8/20/2010.

Absent - Goodman, Johnson.

**RE&E** - Your Committee recommends passage of the accompanying resolution granting applications for Business Licenses.

Adopted 8/20/2010.

Absent - Goodman, Johnson.

Resolution 2010R-389, granting applications for Business Licenses, was adopted 8/20/2010 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2010R-389**

**By Glidden**

**Granting applications for Business Licenses.**

Resolved by The City Council of The City of Minneapolis:

That the following applications for business licenses (including provisional licenses) as per list on file and of record in the Office of the City Clerk under date of August 20, 2010 be granted, subject to final inspection and compliance with all provisions of the applicable codes and ordinances (Petn No 274433):



Place of Amusement Class C; Caterers; Food Market Distributor; Grocery; Food Manufacturer; Mobile Food Vendor; Restaurant; Short Term Food Permit; Seasonal Short Term Food; Sidewalk Cafe; Gasoline Filling Station; Horse and Carriage; Motor Vehicle Dealer - Used Only; Motor Vehicle Repair Garage; Pet Shop; Plumber; Secondhand Goods Class A; Antique Dealer Class B; Solicitor - Individual; Solid Waste Hauler; Tattooist/Body Piercer; Tattooist/Body Piercer Establishment; Taxicab Vehicle; Tree Servicing.

Adopted 8/20/2010.

Absent - Goodman, Johnson.

**RE&E** - Your Committee recommends passage of the accompanying resolution granting applications for Gambling Licenses.

Adopted 8/20/2010.

Absent - Goodman, Johnson.

Resolution 2010R-390, granting applications for Gambling Licenses, was adopted 8/20/2010 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2010R-390**

**By Glidden**

**Granting applications for Gambling Licenses.**

Resolved by The City Council of The City of Minneapolis:

That the following applications for gambling licenses be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances (Petr No 274433):

**Gambling Class B**

Southwest Hockey, dba Southwest Hockey, PO Box 24825 (Northeast Palace, 2500 4th St NE)

Edison Community Sports Foundation, dba Edison Community Sports Foundation, 700 22nd Av NE (Good Sports Bar & Grill)

Edison Community Sports Foundation, dba Edison Community Sports Foundation, 700 22nd Av NE (Northeast Yacht Club)

**Gambling Exempt**

Childrens Theatre Company, dba Childrens Theatre Company, 2400 3rd Av S (Raffle September 11, 2010)

Church of All Saints, dba Church of All Saints, 435 4th St NE (Bingo, Raffle, Pulltabs September 12, 2010)

Accessibility Inc, dba Accessibility, 360 Hoover St NE (Raffle September 16, 2010)

Downtown Ducks Unlimited, dba Downtown Ducks Unlimited, 333 S 7th St, Suite 440 (Raffle September 16, 2010, Minneapolis Club, 729 2nd Av S)

Church of Our Lady of Peace, dba Church of Our Lady of Peace, 5426 12th Av S (Bingo, Raffle September 24, & 25, 2010)

March of Dimes Foundation, dba March of Dimes Foundation, 5233 Edina Industrial Blvd, Edina (Raffle September 30, 2010, McNamara Alumni Center)

Holy Rosary Church, dba Holy Rosary Church, 2424 18th Av S (Raffle October 3, 2010)

Church of the Holy Name, dba Church of the Holy Name, 3637 11th Av S (Bingo, Raffle & Pulltabs October 10, 2010, Risen Christ School, 1120 E 37th St)

Church of St. Austin, dba Church of St. Austin, 4050 Upton Av N (Bingo, Raffle, Pulltabs October 16, 2010, 5:30 p.m. through October 17, 2010, 5:30 p.m.)

Church of St. Hedwig, dba Church of St. Hedwig, 129 29th Av NE (Raffle December 5, 2010)

Church of Our Lady of Peace, dba Church of Our Lady of Peace, 5426 12th Av S (Bingo and Raffle March 5, 2011).

Adopted 8/20/2010.

Absent - Goodman, Johnson.

**RE&E** - Your Committee recommends passage of the accompanying resolution approving License Settlement Conference recommendations relating to the Grocery, Tobacco Dealer, Off-Sale Beer, Gasoline Filling Station and Food Manufacturer Licenses held by Metro Petro, 2700 University Av SE. Adopted 8/20/2010.  
Absent - Goodman, Johnson.

Resolution 2010R-391, approving License Settlement Conference recommendations relating to the Grocery, Tobacco Dealer, Off-Sale Beer, Gasoline Filling Station and Food Manufacturer Licenses held by Metro Petro, 2700 University Av SE, was adopted 8/20/2010 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2010R-391**  
**By Glidden**

**Approving License Settlement Conference recommendations relating to the Grocery, Tobacco Dealer, Off-Sale Beer, Gasoline Filling Station and Food Manufacturer Licenses held by Metro Petro, 2700 University Av SE.**

Whereas, the Licenses & Consumer Services Division held a License Settlement Conference hearing on July 1, 2010 with the licensee; and

Whereas, the Regulatory, Energy & Environment Committee received Findings of Fact, Conclusions and Recommendations that concluded that:

- a. On two separate occasions within a period of less than 24 months, employees of Metro Petro sold alcohol to persons under the age of 21, in violation of the Minneapolis Code of Ordinances, State Statute, and the established compliance check policy and procedures of the City of Minneapolis;
- b. The license has not paid the \$1,000 administrative fine related to the second compliance check failure; and
- c. Metro Petro is taking youth alcohol compliance very seriously and is working to prevent future youth alcohol compliance check failures;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the Off-Sale Beer License issued to Metro Petro shall be subject to the following conditions and adverse license action, as more fully set forth in said Findings on file in the Office of the City Clerk and made a part of this report by reference:

1. Provide a written alcohol service policy to Licensing, due at the time of signing the agreement to include the following:
  - a. Policy and procedure given to employees regarding alcohol sales which includes rewards for not serving minors and consequences for serving minors.
  - b. Whenever a staff meeting is held, alcohol service and proof of age policies will be a standing agenda item.
  - c. All new employees shall receive alcohol server training within 30 days of hire.
  - d. A plan on removal/refusal of obviously intoxicated customers.
  - e. A plan for requesting assistance of a manager if one is not on site.
2. Provide documentation of alcohol server training that staff has had within the last six months due at the time of signing the agreement.
3. Post signs that identify Metro Petro's alcohol service policy to customers and staff. This would include posters that promote the legal age for purchasing alcohol.
4. Employ a youth alcohol self check program with decoys three times each year for the next two years and maintain documentation of the results. Results shall be made available upon request from Licenses & Consumer Services or Minneapolis Police. Implementation of this program shall begin within 30 days of this agreement being approved by full City Council.
5. In lieu of a suspension, and in light of the improvements and purchases that Metro Petro has already implemented, the City shall impose a \$2,000 sanction; \$1,500 shall be stayed for a period of

two years from the date of the City Council approval of these recommendations, if no same or similar violation occurs in that time period. The licensee shall pay \$500 due at the time of signing the agreement.

6. Metro Petro shall pay the \$1,000 administrative fine for the May 27, 2010 failure due at the time of signing the agreement.

Adopted 8/20/2010.

Absent - Goodman, Johnson.

**RE&E** – Your Committee recommends that the Green Building Policy Manager be directed, with support from the Director of Economic Development, Department Heads, and the City Coordinator, to create and bring forward for approval a City Green Building Policy. Further, to:

a. Convene an interdepartmental Green Policy Work Team to be chaired by the Green Building Policy Manager and Director of Economic Development with representatives from the Divisions of Surface Waters and Sewers, Solid Waste and Recycling, and Property Services from the Department of Public Works; the Divisions of Economic Development, Housing and Planning from the Department of Community Planning and Economic Development; the Divisions of Housing Inspections, Construction Code Services, Environmental Management and Safety, and Minneapolis Development Review from the Department of Regulatory Services and Emergency Preparedness; Health & Family Support; the City Attorney's Office; City Finance; Sustainability Office; City Council Offices; the Office of the Mayor; and other relevant staff as needed.

b. Consult relevant stakeholders such as the Greater Minneapolis Chamber of Commerce, Minnesota Chapter of the U.S. Green Building Council, Greater Minneapolis Building Owners and Managers Association (BOMA), Builders Association of the Twin Cities, Minnesota Green Communities, Xcel Energy, Centerpoint Energy, Center for Energy and the Environment, the Minneapolis Building Trades, the Minneapolis Regional Labor Federation, and other relevant organizations and individuals.

c. Review best practices supporting green buildings in other communities across the country.

d. Review current policies, procedures, and practices of the City that promote green building practices.

e. Report back to the City Council with policy options and recommendations of how the City can further support green buildings.

Adopted 8/20/2010.

Absent - Goodman, Johnson.

**RE&E** - Your Committee recommends adoption of a revised indoor space temperature policy for City of Minneapolis owned and operated facilities, as set forth in Petn No 274435 on file in the office of the City Clerk.

Adopted 8/20/2010.

Absent - Goodman, Johnson.

**The REGULATORY, ENERGY & ENVIRONMENT and WAYS & MEANS/BUDGET Committees submitted the following reports:**

**RE&E & W&M/Budget** - Your Committee, having received a request from staff to increase license fees by 3 percent effective January 1, 2011, now recommends that all licenses contained in the License Fee Schedule be increased by 1.5 percent effective January 1, 2011, with the exception of the pollution control annual billings, which shall be increased by 3 percent (Petn No 274437).

Further, that the Mayor's 2011 budget include a reduction of \$135,000 to the revenue budget for the Department of Regulatory Services.

Adopted 8/20/2010.

Absent - Goodman, Johnson.

**RE&E & W&M/Budget** - Your Committee, having under consideration the solar project at the Minneapolis Convention Center, now recommends that the proper City officers be authorized to amend the Solar Services Agreement with MCC Solar, LLC to accommodate a project price increase of

\$70,000 (\$6,615 per year), to be recovered by the developer through a negotiated price increase for the renewable energy and related solar services over the term of the contract.

Adopted 8/20/2010.

Absent - Goodman, Johnson.

**The TRANSPORTATION & PUBLIC WORKS Committee submitted the following reports:**

**T&PW** - Your Committee, having under consideration the Lyndale-Lake Special Service District, now recommends passage of the accompanying resolution approving special services, the cost estimates, service charges, and the lists of service charges for 2010 and 2011 in the Lyndale-Lake Special Service District and directing the City Engineer to proceed with the work.

Adopted 8/20/2010.

Absent - Goodman, Johnson.

Approved by Mayor Rybak 8/20/2010.

(Published 8/24/2010)

Resolution 2010R-392, approving special services, the cost estimates, service charges, and the lists of service charges for 2010 and 2011 in the Lyndale-Lake Special Service District and directing the City Engineer to proceed with the work, was adopted 8/20/2010 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2010R-392**

**By Colvin Roy**

**Approving special services, the cost estimates, service charges, and the lists of service charges for 2010 and 2011 in the Lyndale-Lake Special Service District and directing the City Engineer to proceed with the work.**

Whereas, a public hearing was held on August 17, 2010 in accordance with Laws of Minnesota, Chapter 428A, Sections 428A.01 through 428A.10 and Chapter 463 of the Minneapolis Code of Ordinances to consider the proposed special services, the proposed service charges, and the proposed lists of service charges as more particularly described in Petn No 274439 on file in the office of the City Clerk and to consider all written and oral objections and statements regarding this matter;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the proposed special services, the proposed cost estimate in the total amount of \$139,250 for 2010 and 2011, and that the proposed service charges and the proposed list of service charges for 2010 and 2011 in the total amount of \$139,250 (being a newly implemented Special Service District with services revenues beginning in 2011) as prepared by the City Engineer and on file in the office of the City Clerk, be and hereby are approved for the Lyndale-Lake Special Service District.

Be It Further Resolved that the City Engineer is hereby directed to proceed with the work.

Be It Further Resolved that the service charges be collected in one (1) installment on the 2011 real estate tax statements in the same manner as special assessments without interest charges and that the City Clerk is hereby directed to transmit certified copies of said lists of service charges to the Hennepin County Auditor.

Adopted 8/20/2010.

Absent - Goodman, Johnson.

Approved by Mayor Rybak 8/20/2010.

**T&PW** - Your Committee, to whom was referred an ordinance amending Title 19, Chapter 509 of the Minneapolis Code of Ordinances relating to *Water, Sewers and Sewage Disposal: Water*, amending Section 509.465 relating to the assessment penalty and interest rates for repair to water or sewer

service lines, now recommends that said ordinance be given its second reading for amendment and passage.

Adopted 8/20/2010.

Absent - Goodman, Johnson.

Ordinance 2010-Or-077 amending Title 19, Chapter 509 of the Minneapolis Code of Ordinances relating to *Water, Sewers and Sewage Disposal: Water*, amending Section 509.465 relating to the assessment penalty and interest rates for repair to water or sewer service lines, was adopted 8/20/2010 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

**ORDINANCE 2010-Or-077**  
**By Glidden**  
**Intro & 1st Reading: 7/23/2010**  
**Ref to: T&PW**  
**2nd Reading: 8/20/2010**

**Amending Title 19, Chapter 509 of the Minneapolis Code of Ordinances relating to *Water, Sewers and Sewage Disposal: Water*.**

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Section 509.465 of the above-entitled ordinance be amended to read as follows:

**509.465. Assessment for repairs to water or sewer service line.** (a) The owner of any property having a water or sewer service line in need of repair or replacement may request and authorize the city on forms prescribed by the city engineer to make all necessary repairs and replacements to the service line. Such authorization by the owner to the city shall constitute, and such authorization form shall provide for, the right to enter upon the premises as may be necessary to make such repairs and replacement; a waiver and release by the owner of any and all claims and damages against the city arising out of the making of such repairs and replacement; and the consent of the owner to any unpaid charges for such work to be collected as a special assessment against the property as provided herein. The city, upon receiving such authorization from the owner, may immediately cause the repairs or replacement of the service line to be done under its direction and control. The said repair or replacement costs shall be initially provided for by an advance of funds from the capital outlay division of the waterworks funds, or the sewer rental fund as appropriate, to be reimbursed from the collection of such charges.

(b) The city engineer, upon completion of any such repairs or replacement work, shall notify such owner of the amount of the charges for such work which the owner may pay to the city on or before September first ~~without penalty added thereto.~~ This amount may include an administrative charge set by the city council.

(c) If the charges or any part thereof for any such work is unpaid by September first, the city engineer shall prepare a proposed assessment roll listing the amount of charges unpaid and the benefited property which shall be filed with the city clerk. The city council shall assess and levy and cause to be collected the amount of such costs as a special assessment upon and against the property benefited in the manner provided by Minnesota Statutes, Sections 429.061, 429.071 and 429.081. Such costs so assessed shall be payable in a single installment except that the city council may provide that the costs so assessed may be paid in not to exceed five (5) equal annual installments. ~~Such assessments may include a penalty not to exceed ten (10) per cent of the amount thereof, as the council may determine and shall bear interest at eight (8) per cent per annum.~~ The interest rate shall be set annually by the city's finance officer and shall reflect the current interest rate environment, the term of the loan, lost investment earnings, and administrative costs to the city.

Adopted 8/20/2010.

Absent - Goodman, Johnson.



**T&PW** - Your Committee, having under consideration a Special Boulevard Permit application from the owners of the properties located at 3644 and 3648 Lyndale Ave S, as set forth in Petn No 274439, requesting authorization to pave a three foot wide portion of the boulevard adjacent to the curb, now recommends that said application be approved.

Adopted 8/20/2010.

Absent - Goodman, Johnson.

**T&PW** - Your Committee recommends that the proper City officers be authorized to submit a letter supporting Hennepin County's Tiger II Discretionary Grant Application for funds to be used for the construction of a northbound on-ramp connection to Interstate 35W from 3rd and 4th Streets and pedestrian improvements to the Washington Ave Bridge over Interstate 35W and the Cedar Ave Bridge over 3rd and 4th Streets.

Adopted 8/20/2010.

Absent - Goodman, Johnson.

**T&PW** - Your Committee, having under consideration the RiverLake Greenway Project, now recommends that the proper City officers be authorized to:

a) Negotiate and execute an agreement with the low bidder to accomplish the RiverLake Greenway Project, contingent upon Mn/DOT EEO and City Attorney review and approval;

b) Negotiate and execute an agreement with Mn/DOT to be reimbursed for design expenses in the amount of \$250,000;

c) Negotiate and execute agreements with Mn/DOT to be reimbursed for approved construction engineering expenses in the total amount of \$150,000; and

d) Negotiate and execute an agreement with SEH, Inc., in an amount not to exceed \$100,000, to provide construction engineering services for the project, and extend the expiration date of the Consulting Pool contract for this scope only from February 14, 2011 to December 31, 2011.

Adopted 8/20/2010.

Absent - Goodman, Johnson.

**T&PW** - Your Committee, having under consideration the Minneapolis Non-Motorized Transportation Pilot Program (NTP) Bicycle Parking Project, now recommends:

a) That the proper City officers be authorized to negotiate and execute an agreement with the low bidder to accomplish the Bicycle Parking Project, contingent upon Mn/DOT EEO and City Attorney review;

b) That the proper City officers be authorized to negotiate and execute an agreement with Mn/DOT to be reimbursed for construction engineering expenses in the amount of \$26,591; and

c) Authorization of the installation of bike racks throughout the city of Minneapolis.

Adopted 8/20/2010.

Absent - Goodman, Johnson.

**T&PW** - Your Committee recommends approval of the following appointments to the Uptown Special Service District Advisory Board, for terms to expire June 30, 2012:

- Stuart Ackerberg, Ward 10
- Ross Fefercorn, Ward 10
- Michael Finn, Ward 10
- Bill Frothinger, Ward 10
- Jeff Herman, Ward 10
- Jacqueline Knight, Ward 10
- Todd Smith, Ward 10
- Robert Sorenson, Ward 10.

Adopted 8/20/2010.

Absent - Goodman, Johnson.



**T&PW** - Your Committee recommends approval of the following appointments to the Nicollet Avenue South Special Service District Advisory Board, for terms to expire June 30, 2012:

- Tom Berthiaume, Ward 7
- Joanne Christ, Ward 6
- Stephen Frenz, Ward 6
- Paul Prenevost, Ward 7
- Diane Woelin, Ward 7
- Tammy Wong, Ward 6.

Adopted 8/20/2010.

Absent - Goodman, Johnson.

**T&PW** - Your Committee recommends approval of the following appointments to the Linden Hills Special Service District Advisory Board, for terms to expire June 30, 2012:

- Bob Bayers, Ward 13
- Mark Dwyer, Ward 13
- Donald Hawkinson, Ward 13
- Peter Hinke, Ward 13
- David Luger, Ward 13
- Michael Pellizzer, Ward 13
- Jon Swenson, Ward 13.

Adopted 8/20/2010.

Absent - Goodman, Johnson.

**T&PW** - Your Committee recommends approval of the following appointments to the Dinkytown Special Service District Advisory Board, for terms to expire June 30, 2012:

- Laurel Bauer, Ward 3
- Irv HersHKovitz, Ward 3
- Skott Johnson, Ward 3
- James Sander, Ward 3
- Frank Vescio, Ward 3.

Adopted 8/20/2010.

Absent - Goodman, Johnson.

**T&PW** - Your Committee recommends approval of the following appointments to the Central Avenue Special Service District Advisory Board, for terms to expire June 30, 2012:

- Sharon Barker, Ward 1
- Katherine Bakke, Ward 1
- Amy Fields, Ward 1
- James Higgins, Ward 1
- Christine Levens, Ward 1
- Filinda MacDonald, Ward 1
- Scott McCleary, Ward 1
- Laura Murphy, Ward 1
- Colleen Olsen, Ward 1.

Adopted 8/20/2010.

Absent - Goodman, Johnson.

**T&PW** - Your Committee recommends approval of the following appointments to the 48th and Chicago Avenue Special Service District Advisory Board, for terms to expire June 30, 2012:

- Harvey McLain, Ward 11
- Patrick Nau, Ward 11
- Richard Pitheon, Ward 11
- Joyce Tesarek, Ward 11.

Adopted 8/20/2010.

Absent - Goodman, Johnson.

**T&PW** - Your Committee recommends approval of the following appointments to the South Hennepin Special Service District Advisory Board, for terms to expire June 30, 2012:

- Thomas Delaney, Ward 10
- Tom Fletcher, Ward 10
- Sonja Hayden, Ward 10
- John Oliva, Ward 10
- Michael Trebnick, Ward 10
- Richard Zuckman, Ward 10.

Adopted 8/20/2010.

Absent - Goodman, Johnson.

**T&PW** - Your Committee recommends approval of the following appointments to the Lyndale-Lake Street Special Service District Advisory Board, for terms to expire June 30, 2012:

- Denise Arambadjis, Ward 6
- Linda Ashland, Ward 10
- John Meegan, Ward 10
- Paul Newman, Ward 10
- Cole Rogers, Ward 10.

Adopted 8/20/2010.

Absent - Goodman, Johnson.

**T&PW** - Your Committee recommends approval of the following appointments to the East Lake Street Special Service District Advisory Board, for terms to expire June 30, 2012:

- Ashby Carter, Ward 9
- Scott Cramer, Ward 9
- Leo Exley, Ward 9
- Tom Frattallone, Ward 12
- Steve Krause, Ward 9
- Al Puder, Ward 2
- Stephanie Shimp, Ward 2.

Adopted 8/20/2010.

Absent - Goodman, Johnson.

**T&PW** - Your Committee recommends approval of the following appointments to the Chicago-Lake Street Special Service District Advisory Board, for terms to expire June 30, 2012:

- Dave Burrill, Ward 9
- David Johnson, Jr., Ward 6
- John Wolf, Ward 8.

Adopted 8/20/2010.

Absent - Goodman, Johnson.

**T&PW** - Your Committee recommends approval of the following appointments to the Bloomington-Lake Street Special Service District Advisory Board, for terms to expire June 30, 2012:

- Elizabeth George, Ward 9
- Julie Ingebretsen, Ward 9
- Ted Muller, Ward 9.

Adopted 8/20/2010.

Absent - Goodman, Johnson.

**The TRANSPORTATION & PUBLIC WORKS and WAYS & MEANS/BUDGET Committees submitted the following reports:**

**T&PW & W&M/Budget** - Your Committee recommends that the proper City officers be authorized to execute Change Order Package No 1 (22 items) to Contract C-27341 with Lund Martin Co. in the sum total of \$80,458.38, for a revised contract total of \$1,217,958.38, for the installation of parking ramp

revenue control equipment at State Parking Ramps A & C. No additional appropriation required; all project costs will be reimbursed by Mn/DOT.

Adopted 8/20/2010.

Absent - Goodman, Johnson.

**T&PW & W&M/Budget** - Your Committee, having under consideration the 2nd Ave N Entrance Project at State Parking Ramp B, now recommends that the proper City officers be authorized to execute Change Order Package No 4 (64 items) to Contract C-27065 with Lund Martin Co. in the sum total of \$608,444.93, for a revised contract total of \$6,811,533.52. No additional appropriation required; all project costs will be reimbursed by Mn/DOT.

Adopted 8/20/2010.

Absent - Goodman, Johnson.

**T&PW & W&M/Budget** - Your Committee, having under consideration the construction of the Emergency Operations Training Facility with staff recommendations as follows:

a) That the proper City officers be authorized to accept State Bond Appropriations in the amount of \$750,000, to be combined with existing funding sources to fund the Phase III Apparatus Bay Addition at the Emergency Operations Training Facility;

b) That the proper City officers be authorized to negotiate and execute an End Grant Agreement with the State of Minnesota as required to obtain the \$750,000 grant;

c) Passage of the accompanying resolution increasing the appropriation for the project by \$750,000; and

d) That the proper City officers be authorized to utilize the B3 State of Minnesota Sustainable Building Guidelines in the design and construction of the Emergency Operations Training Facility Phase III Apparatus Bay Addition in lieu of the LEED Silver Sustainable Building Guidelines as required per Resolution 2006R-381;

now recommends:

**T&PW** - Sent forward without recommendation.

**W&M/Budget** - Approval.

Colvin Roy moved that part (d) of the report be amended by deleting the words "in lieu of" and inserting in lieu thereof the words "as well as" and by approving the Ways & Means/Budget Committee recommendation and deleting the Transportation & Public Works Committee recommendation. Seconded.

Adopted by unanimous consent.

Absent - Goodman, Johnson.

The report, as amended, was adopted 8/20/2010.

Absent - Goodman, Johnson.

**RESOLUTION 2010R-393**  
**By Colvin Roy and Hodges**

**Amending The 2010 Capital Improvement Appropriation Resolution.**

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation and revenue source for the PW-Capital Improvements Fund (04100-9010923-513007 CPSDFIRO1) by \$750,000.00.

Adopted 8/20/2010.

Absent - Goodman, Johnson.

**T&PW & W&M/Budget** - Your Committee recommends that the proper City officers be authorized to accept a Minnesota Department of Health Source Water Protection Plan Implementation Grant in the amount of \$10,000 and execute said grant, subrecipient, and/or disbursement and related agreements for the grant.

Your Committee further recommends passage of the accompanying resolution increasing the appropriation in the Grant Fund by \$10,000.

Adopted 8/20/2010.

Absent - Goodman, Johnson.

**RESOLUTION 2010R-394**  
**By Colvin Roy and Hodges**

**Amending The 2010 Capital Improvement Appropriation Resolution.**

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation and revenue for the PW-Water Administration Department in the Grants-Other Fund (01600-6900200-G6690001) by \$10,000.00.

Adopted 8/20/2010.

Absent - Goodman, Johnson.

**T&PW & W&M/Budget** - Your Committee recommends acceptance of the bid submitted to the Public Works Department on OP No 7307 from Terra General Contractors, LLC, for an estimated annual expenditure of \$237,000.00, to furnish and deliver all labor, materials, and incidentals necessary to accomplish the Pioneers and Soldiers Memorial Cemetery Fence Restoration Project.

Your Committee further recommends that the proper City officers be authorized and directed to execute a contract for said service, all in accordance with City specifications and contingent upon approval of the Civil Rights Department.

Adopted 8/20/2010.

Absent - Goodman, Johnson.

**T&PW & W&M/Budget** - Your Committee recommends acceptance of the bid submitted to the Public Works Department on OP No 7313 from Viking Acoustical Corporation, in the amount of \$101,977.89, to furnish and deliver all labor, materials, equipment, and incidentals necessary for the construction and installation of analyst consoles at the Minneapolis Emergency Operations Center.

Your Committee further recommends that the proper City officers be authorized and directed to execute a contract for said service, all in accordance with City specifications and contingent upon approval of the Civil Rights Department.

Adopted 8/20/2010.

Absent - Goodman, Johnson.

**T&PW & W&M/Budget** - Your Committee recommends acceptance of the bid submitted to the Public Works Department on OP No 7315 from Brown Traffic Products, Inc., for an estimated expenditure of \$69,008.00, to furnish and deliver programmable signal heads to the City of Minneapolis Public Works Transportation Division.

Your Committee further recommends that the proper City officers be authorized and directed to execute a contract for said service, all in accordance with City specifications and contingent upon approval of the Civil Rights Department.

Adopted 8/20/2010.

Absent - Goodman, Johnson.

**T&PW & W&M/Budget** - Your Committee recommends acceptance of the bid submitted to the Public Works Department on OP No 7316 from Groove Tech of MN, Inc., for an estimated annual expenditure of \$200,000.00, to furnish, deliver, and install pavement marking tape.

Your Committee further recommends that the proper City officers be authorized and directed to execute a contract for said service, all in accordance with City specifications and contingent upon approval of the Civil Rights Department.

Adopted 8/20/2010.

Absent - Goodman, Johnson.

**T&PW & W&M/Budget** - Your Committee recommends acceptance of the low bid submitted to the Public Works Department on OP No 7321 from Derovations Corporation, d/b/a Dero Bike Rack Company, for an estimated expenditure of \$169,813.44, to furnish, deliver, and install bicycle racks as required throughout the City of Minneapolis.

Your Committee further recommends that the proper City officers be authorized and directed to execute a contract for said service, all in accordance with City specifications and contingent upon approval of the Civil Rights Department.

Adopted 8/20/2010.

Absent - Goodman, Johnson.

**T&PW & W&M/Budget** - Your Committee recommends acceptance of the low bid submitted to the Public Works Department on OP No 7322 from Max Steininger, Inc., in the amount of \$458,823.26, to furnish and deliver all labor, materials, and incidentals necessary to accomplish the RiverLake Greenway Project Phase III (S.P. 141-090-27, MN Project No TEA-NMTP2710 (192)).

Your Committee further recommends that the proper City officers be authorized and directed to execute a contract for said service, all in accordance with City specifications and contingent upon approval of the Civil Rights Department.

Adopted 8/20/2010.

Absent - Goodman, Johnson.

**The WAYS & MEANS/BUDGET Committee submitted the following reports:**

**W&M/Budget** - Your Committee recommends passage of the accompanying resolution authorizing the settlement of legal matters, as recommended by the City Attorney.

Adopted 8/20/2010.

Absent - Goodman, Johnson.

Resolution 2010R-395, authorizing settlement of *Don Blyly v. City of Minneapolis, et. al*, was adopted 8/20/2010 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2010R-395**

**By Hodges**

**Authorizing legal settlement.**

Resolved by The City Council of The City of Minneapolis:

That the City Attorney is authorized to proceed with the settlement of *Don Blyly v. City of Minneapolis*, by payment of \$17,000 to Don Blyly, and his attorney, Lawrence Crosby, from the Internal Service Self Insurance Fund (06900-1500100-145937).

Further, authorize the City Attorney's Office to execute any documents necessary to effectuate the settlement.

Adopted 8/20/2010.

Absent - Goodman, Johnson.

**W&M/Budget** - Your Committee recommends that the City waive any conflict of interest between the City of Minneapolis and the Briggs and Morgan law firm; and consent and authorize the proper City officers to enter into a legal services contract with Erik Magnuson of Briggs and Morgan law firm to assist in handling of the appeal in the matter of *City of Minneapolis v. Minneapolis Police Relief Association and Minneapolis Firefighters' Relief Association*.

Adopted 8/20/2010.

Absent - Goodman, Johnson.

**W&M/Budget** - Your Committee recommends acceptance of the low bids submitted to the Minneapolis Convention Center on OP No 7311 to furnish and deliver wall fabric replacement, as follows:

- a) Swanson and Youngdale, Inc., in the amount of \$43,235; and
- b) Painting by Nakasone, in the amount of \$103,442.

Your Committee further recommends that the proper City officers be authorized and directed to execute a contract for said service, all in accordance with City specifications.

Adopted 8/20/2010.

Absent - Goodman, Johnson.

**W&M/Budget** - Your Committee, having under consideration the Hennepin Youth Sports Program Grant from Hennepin County, now recommends the following:

- a) Acceptance of the grant award in the amount of \$118,500 for construction of a soccer field at El Colegio Charter School at 4137 Bloomington Avenue;
- b) Authorize the proper City officers to execute a grant agreement with Hennepin County, and a subrecipient grant agreement with El Colegio Charter School, and/or disbursement and related agreements for this grant; and
- c) Passage of the accompanying resolution increasing the appropriations in the Department of Community Planning & Economic Development agency fund to reflect receipt of said grant funds, and increasing the revenue budget.

Adopted 8/20/2010. Yeas, 9; Nays, 2 as follows:

Yeas - Colvin Roy, Quincy, Glidden, Hodges, Samuels, Gordon, Reich, Schiff, Lilligren.

Nays - Tuthill, Hofstede.

Absent - Goodman, Johnson.

**RESOLUTION 2010R-396**

**By Hodges**

**Amending The 2010 General Appropriation Resolution.**

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by:

- a) Increasing the Community Planning and Economic Development Department appropriation in the Other Grants - State and Local Fund (01600-8900320) by \$118,500; and
- b) Increasing the revenue source for the Community Planning and Economic Development Department in the Other Grants - State and Local fund (01600-8900900-321513) by \$118,500.

Adopted 8/20/2010. Yeas, 9; Nays, 2 as follows:

Yeas - Colvin Roy, Quincy, Glidden, Hodges, Samuels, Gordon, Reich, Schiff, Lilligren.

Nays - Tuthill, Hofstede.

Absent - Goodman, Johnson.

**W&M/Budget** - Your Committee, having under consideration the HUD Sustainable Communities Regional Planning Grant Program, now recommends authorizing proper City officers to submit a letter of commitment to participate in the regional application. This grant program will support metropolitan and multi-jurisdictional planning efforts that integrate housing, land use, economic and workforce development, transportation, and infrastructure investments (Petr No 274444).

Adopted 8/20/2010.

Absent - Goodman, Johnson.

**W&M/Budget** - Your Committee recommends authorizing execution of a contract with the Wisconsin Department of Military Affairs, in the amount not to exceed \$13,000, to provide a full-scale, real-life disaster situation exercise. Funded by Emergency Preparedness grants.

Adopted 8/20/2010.

Absent - Goodman, Johnson.

Approved by Mayor Rybak 8/20/2010.

(Published 8/24/2010)



**The ZONING & PLANNING Committee submitted the following reports:**

**Z&P** - Your Committee, having under consideration the appeal filed by Gary Ellis, on behalf of Riverton Community Housing, from the decision of the Board of Adjustment which denied an application for variances to reduce the required front yard from 15 feet to 14 feet and the required west interior side yard from 11 feet to zero feet, at 2300 East Franklin Ave, to allow for the construction of a refuse storage facility area accessory to an existing multiple-family dwelling, now recommends that said appeal be denied and the decision of the Board of Adjustment be upheld, and that the findings prepared by the Department of Community Planning & Economic Development staff be adopted.

Adopted 8/20/2010.

Absent - Goodman, Johnson.

**Z&P** - Your Committee, having under consideration the appeal filed by Jerry Nordenstrom on behalf of Community First Development from the decision of the Board of Adjustment which denied the application of Community First Development for a variance to the requirement for an enclosed off-street parking space for a new single-family dwelling, at 3008 26th Street E, now recommends, notwithstanding the recommendation of staff and the Board of Adjustment, that the appeal be granted and the variance be approved.

Your Committee further recommends that the Findings of Fact and Recommendation prepared by the City Attorney and on file as FoF2010-xx in the Office of the City Clerk be adopted and made a part of this report by reference.

Gordon moved to substitute the following report for the above report. Seconded.

Adopted. Yeas, 6; Nays, 5 as follows:

Yeas - Colvin Roy, Tuthill, Quincy, Glidden, Samuels, Gordon.

Nays - Hodges, Reich, Hofstede, Schiff, Lilligren.

Absent - Goodman, Johnson.

**Z&P** - Your Committee, having under consideration the appeal filed by Jerry Nordenstrom on behalf of Community First Development from the decision of the Board of Adjustment which denied the application of Community First Development for a variance to the requirement for an enclosed off-street parking space for a new single-family dwelling, at 3008 26th Street E, now recommends that said appeal be denied and the decision of the Board of Adjustment be upheld, and that the findings prepared by the Department of Community Planning & Economic Development staff be adopted.

Adopted 8/20/2010. Yeas, 6; Nays, 5 as follows:

Yeas - Colvin Roy, Tuthill, Quincy, Glidden, Samuels, Gordon.

Nays - Hodges, Reich, Hofstede, Schiff, Lilligren.

Absent - Goodman, Johnson.

**Z&P** - Your Committee, having under consideration the appeal filed by Jerry Nordenstrom on behalf of Community First Development from the decision of the Board of Adjustment which, notwithstanding the recommendation of staff, denied the application of Community First Development for variances to reduce the required lot width from 40 feet to 33 feet and to reduce the required lot area from 5,000 square feet to 3,729 square feet, to allow for the construction of a new single family home, at 1122 Lincoln Street NE, now recommends that said appeal be denied and the decision of the Board of Adjustment be upheld.

Your Committee further recommends that the Findings of Fact and Recommendation prepared by the City Attorney and on file as FoF2010-45 in the Office of the City Clerk be adopted and made a part of this report by reference.

Adopted 8/20/2010.

Absent - Goodman, Johnson.

**Z&P** - Your Committee, having under consideration the appeal filed by the Mississippi Watershed Management Organization from the decision of the Planning Commission denying an appeal of the decision of the Zoning Administrator relating to conditions of approval numbers 3 and 4 on an administrative site plan review application for construction of a new office building at 2522 Marshall

Street NE, now recommends that said appeal be granted in part, to amend condition 3 to allow a front yard setback no greater than 25 feet, and denied in part, to uphold condition 4, and further recommends that the appropriate related findings prepared by the Community Planning & Economic Development staff be adopted.

Adopted 8/20/2010.

Absent - Goodman, Johnson.

**Z&P** - Your Committee concurs in the recommendation of the Planning Commission granting the application of Minneapolis Special School District No. 1 to vacate the platted public alley at Morris Park Elementary School located at 3810 56th Street E between 55th Street E and 56th Street E and between 38th Avenue S and 39th Avenue S (#1556), subject to retention of easement rights by Xcel Energy, and to adopt the related findings prepared by the Department of Community Planning & Economic Development.

Your Committee further recommends passage of the accompanying resolution vacating said public alley.

Adopted 8/20/2010.

Absent - Goodman, Johnson.

Resolution 2010R-397, vacating the platted public alley at Morris Park Elementary School located at 3810 56th Street East, was adopted 8/20/2010 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2010R-397**

**By Schiff**

**Vacating the platted public alley at Morris Park Elementary School located at 3810 56th Street East. The existing public alley is located between 55th Street East and 56th Street East and between 38th Avenue South and 39th Avenue South (Vacation File No. 1556).**

Resolved by The City Council of The City of Minneapolis:

That all that part of the public alley located south of a line as extended west from the south line of Lot 9, Block 4, Morris Park Second Addition, and north of a line as extended west from the south line of Lot 15, said Addition, all according to the plat of record at the Hennepin County Records office, Minneapolis, Minnesota, is hereby vacated except that such vacation shall not affect the existing easement right and authority of Xcel Energy, their successors and assigns, to enter upon that portion of the aforescribed alley, which is described in regard to said corporation as follows, to wit:

**As to Xcel Energy:** The southerly 5.00 feet of the alley to be vacated.

to operate, maintain, repair, alter, inspect or remove its above-described utility facilities and said easement right and authority is hereby expressly reserved to each of the above-named corporations, and no other person or corporation shall have the right to fill, excavate, erect buildings or other structures, plant trees or perform any act which would interfere with or obstruct access to said utility easement upon or within the above-described areas without first obtaining the written approval of the corporation(s) having utility facilities located within the area involved authorizing them to do so.

Adopted 8/20/2010.

Absent - Goodman, Johnson.

**Z&P** - Your Committee concurs in the recommendation of the Planning Commission granting the application of Shamrock Development Inc., to vacate all of 12th Avenue S north of 2nd Street S (#1570), subject to retention of easement rights by Xcel Energy, Qwest, and Center Point Energy, and to adopt the related findings prepared by the Department of Community Planning & Economic Development.

Your Committee further recommends passage of the accompanying resolution vacating said public street.

Adopted 8/20/2010.

Absent - Goodman, Johnson.

Resolution 2010R-398, vacating all of 12th Avenue South north of 2nd Street South, was adopted 8/20/2010 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2010R-398**

**By Schiff**

**Vacating all of 12th Avenue South north of 2nd Street South (Vacation File No. 1570).**

Resolved by The City Council of The City of Minneapolis:

That all that part of 12th Avenue South as platted between Block 115 and Block 116, Town of Minneapolis Addition, located north of a line as extended west from the southwest corner of Lot 1, Block 115, said addition, to the southeast corner of Lot 5, Block 116, said addition, and south of a line as extended 80.00 feet northwesterly from the northeasterly line of said Lot 1, to a corner point located in Lot 2, Block 1, South River Development Addition to Minneapolis, all according to the plats of record at the Hennepin County Recorder's Office, Minneapolis, Minnesota is hereby vacated except that such vacation shall not affect the existing easement right and authority of Xcel Energy, Qwest, and Center Point Energy their successors and assigns, to enter upon that portion of the aforescribed street which is described in regard to each of said corporations as follows, to wit:

**As to Xcel Energy:** A 10.00 foot easement centered 12 feet from the westerly side of the street to be vacated.

**As to Qwest:** That part of the northwesterly 40.00 feet of 12th Avenue South, as platted between Block 115 and Block 116, Town of Minneapolis, Hennepin County, Minnesota, as measured at right angles to the southeasterly line of Lot 5, said Block 116, lying northeasterly of a line run from the southeast corner of said Lot 5 to the southwest corner of Lot 1, said Block 115 and lying southwesterly of the southwest line of Lot 1, Block 2, South River Development Addition to Minneapolis, Hennepin County, Minnesota.

**As to Center Point Energy:** The northwesterly 30.00 feet of that part of 12th Avenue South proposed to be vacated.

to operate, maintain, repair, alter, inspect or remove its above-described utility facilities and said easement right and authority is hereby expressly reserved to each of the above-named corporations, and no other person or corporation shall have the right to fill, excavate, erect buildings or other structures, plant trees or perform any act which would interfere with or obstruct access to said street upon or within the above-described areas without first obtaining the written approval of the corporation(s) having utility facilities located within the area involved authorizing them to do so.

Adopted 8/20/2010.

Absent - Goodman, Johnson.

**Z&P** - Your Committee, to whom was referred an ordinance amending Title 20, Chapter 541 of the Minneapolis Code of Ordinances relating to *Zoning Code: Off-Street Parking and Loading*, (regarding allowing permeable or pervious pavement systems for parking areas and driveways) now concurs in the recommendation of the Planning Commission that the related findings be adopted and that said ordinance be given its second reading for amendment and passage.

Your Committee further recommends that Chapters 520 and 525 be returned to author.  
Adopted 8/20/2010.  
Absent - Goodman, Johnson.

Ordinance 2010-Or-078 amending Title 20, Chapter 541 of the Minneapolis Code of Ordinances relating to *Zoning Code: Off-Street Parking and Loading*, amending Section 541.300 and adding Section 541.305 to allow permeable or pervious pavement systems for parking areas and driveways, was adopted 8/20/2010 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

**ORDINANCE 2010-Or-078**  
**By Gordon**  
**Intro & 1st Reading: 9/18/2009**  
**Ref to: Z&P**  
**2nd Reading: 8/20/2010**

**Amending Title 20, Chapter 541 of the Minneapolis Code of Ordinances relating to  
Zoning Code: Off-Street Parking and Loading.**

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Section 541.300 of the above-entitled ordinance be amended to read as follows:

**541.300. Surfacing.** (a) *In general.* All open off-street parking areas, all driveways leading to such parking areas, and all other areas upon which motor vehicles may be located, except where accessory to a single-family dwelling, shall be surfaced with a dustless all-weather hard surface material capable of carrying a wheel load of four thousand (4,000) pounds. In addition, all driveways in commercial and industrial districts leading to areas other than off-street parking areas shall be surfaced with a dustless all-weather hard surface material capable of carrying a wheel load of four thousand (4,000) pounds for a minimum of twenty (20) feet from the curb line. Acceptable surfacing materials shall include asphalt, concrete, brick, cement pavers or similar material installed and maintained per industry standards. Pervious pavement or pervious pavement systems are allowed subject to the provisions of this chapter.

(b) *Off-street parking areas and driveways accessory to a single-family dwelling.* Off-street parking areas and driveways accessory to a single-family dwelling shall be surfaced with a dustless all-weather material capable of carrying a wheel load of four thousand (4,000) pounds. Acceptable surfacing materials shall include asphalt, concrete, brick, concrete pavers or similar material, or four (4) inches of class five (5) crushed limestone, installed and maintained per industry standards. Pervious pavement or pervious pavement systems are allowed subject to the provisions of this chapter.

Section 2. That Chapter 541 of the Minneapolis Code of Ordinances be amended by adding thereto a new Section 541.305 to read as follows:

**541.305 Pervious pavement or pervious pavement systems.** (a) *In general.* Pervious pavement or pervious pavement systems, capable of carrying a wheel load of four thousand (4,000) pounds, including pervious asphalt, pervious concrete, modular pavers designed to funnel water between blocks, lattice or honeycomb shaped concrete grids with turf grass or gravel filled voids to funnel water, plastic geocells with turf grass or gravel, reinforced turf grass or gravel with overlaid or embedded meshes, or similar structured and durable systems are permitted. Gravel, turf, or other materials that are not part of a structured system designed to manage stormwater shall not be considered pervious pavement or a pervious pavement system. Pervious pavement and pervious pavement systems shall meet the following conditions:

- (1) All materials shall be installed per industry standards. Appropriate soils and site conditions shall exist for the pervious pavement or pervious pavement system to function. For parking lots of ten (10) spaces or more documentation that verifies appropriate soils and site conditions shall be provided.
- (2) All materials shall be maintained per industry and city standards. Areas damaged by snow plows or other vehicles shall be promptly repaired. Gravel that has migrated from the pervious pavement systems onto adjacent areas shall be swept and removed regularly.
- (3) Pervious pavement or pervious pavement systems, except for pervious asphalt or pervious concrete, shall not be used for accessible parking spaces or the accessible route from the accessible space to the principal structure or use served.
- (4) Pervious pavement or pervious pavement systems shall be prohibited in areas used for the dispensing of gasoline or other engine fuels or where hazardous liquids could be absorbed into the soil through the pervious pavement or pervious pavement system.
- (5) Pervious pavement or pervious pavement systems, except for pervious asphalt, pervious concrete, or modular pavers shall not be used for drive aisles or driveways.
- (6) Pervious pavement or pervious pavement systems that utilize turf grass shall be limited to overflow parking spaces that are not utilized for required parking and that are not occupied on a daily or regular basis.
- (7) Pervious pavement or pervious pavement systems that utilize gravel with overlaid or embedded mesh or geocells shall be limited to industrial districts and shall not be used for drive aisles or driveways, except as otherwise allowed by this chapter, and in no case shall be used for drive aisles or driveways less than a minimum of twenty (20) feet from the curbline.
- (8) Pervious pavement or pervious pavement systems used for parking or associated drive aisles or driveways shall count as impervious surface for the purposes of impervious surface coverage in any zoning district that has a maximum impervious surface limit or percentage, except where a pervious pavement system utilizing turf grass is provided for a fire access lane that is independent of a parking lot.
- (9) Pervious pavement or pervious pavement systems shall not count as required landscaping except as allowed by alternative compliance as a part of Chapter 530, Site Plan Review.
- (10) Pervious pavement or pervious pavement systems shall not allow parking spaces, drives aisles, or driveways to be located anywhere not otherwise permitted by the regulations of this zoning ordinance and the district in which it is located.
- (11) Parking areas shall have the parking spaces marked as required by this chapter except that pervious pavement systems that utilize gravel or turf may use alternative marking to indicate the location of the parking space, including, but not limited to, markings at the end of spaces on the drive aisle or curbing, wheel stops, or concrete or paver strips in lieu of painted lines.

(b) Off-street parking areas and driveways accessory to single-family and two-family dwellings. Notwithstanding the provisions of subdivision (a), off-street parking areas and driveways accessory to a single-family dwelling may be surfaced with pervious paving systems that utilize gravel installed and

maintained per industry standards. Off-street parking areas and driveways accessory to single-family or two-family dwellings may be surfaced with pervious paving systems that utilize turf with plastic geocells or open-celled paving grids installed and maintained per industry standards and designed so that the parking of vehicles does not kill the turf.

(c) Ribbon driveways. Ribbon driveways that consist of two (2) wheel tracks with a turf median are allowed accessory to single and two-family dwellings. Each wheel track shall be surfaced in compliance with the requirements of this chapter and shall be at least three and one-half (3.5) feet in width. The width of the driveway as measured from the outside edges of each wheel track shall not be less than minimum driveway width requirements of this chapter. The median shall not exceed three (3) feet in width.

Adopted 8/20/2010.

Absent - Goodman, Johnson.

**Z&P** - Your Committee concurs in the recommendation of the Planning Commission granting the application of Minneapolis Community and Technical College to vacate part of a utility easement reserved with the vacation of Willow Street between Hennepin Avenue and Yale Street in 1975 (#1569), and to adopt the related findings prepared by the Department of Community Planning & Economic Development.

Your Committee further recommends passage of the accompanying resolution vacating said utility easement.

Adopted 8/20/2010.

Absent - Goodman, Johnson.

Resolution 2010R-399, vacating part of a utility easement reserved with the vacation of Willow Street between Hennepin Avenue and Yale Street in 1975, was adopted 8/20/2010 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2010R-399**

**By Schiff**

**Vacating part of a utility easement reserved with the vacation of Willow Street between Hennepin Avenue and Yale Street in 1975. The part requested to be vacated is adjacent to Lots 6 and 7, Block 6, Washington Yale Addition to Minneapolis (Vacation File No. 1569).**

Resolved by The City Council of The City of Minneapolis:

That part of the Utility Easement per Document Nos. 4182708 and 1163132 lying within vacated Willow Street described as commencing at the most westerly corner of Lot 6, Block 6, THE WASHINGTON YALE ADDITION TO MINNEAPOLIS, according to the recorded plat thereof, Hennepin County, Minnesota; thence on an assumed bearing of South 30 degrees 07 minutes 09 seconds East, along the southwesterly line of said Lot 6, a distance of 79.62 feet to the point of beginning of the vacation to be described; thence continuing South 30 degrees 07 minutes 09 seconds East, along said southwesterly line of Lot 6, a distance of 100.79 feet; thence South 59 degrees 53 minutes 29 seconds West a distance of 18.00 feet; thence North 30 degrees 07 minutes 09 seconds West a distance of 77.76 feet; thence North 7 degrees 53 minutes 29 seconds East a distance of 29.23 feet to the point of beginning is hereby vacated.

Adopted 8/20/2010.

Absent - Goodman, Johnson.



**RESOLUTIONS**

Resolution 2010R-400, commending Minneapolis residents who participate in community gardens and declaring August 21, 2010 as Community Gardening Day in the City of Minneapolis, was adopted 8/20/2010 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2010R-400**

**By Reich, Gordon, Hofstede, Johnson, Samuels,  
Lilligren, Goodman, Glidden, Schiff, Tuthill, Quincy, Colvin Roy and Hodges**

**Commending Minneapolis residents who participate in community gardens and declaring August 21, 2010, as Community Gardening Day in the City of Minneapolis.**

Whereas, the City of Minneapolis hosts more than 160 community gardens in all 13 wards; and  
Whereas, community gardens add beauty to urban neighborhoods and provide much needed green space in high density areas; and

Whereas, community gardens build community by crossing cultural and socio-economic divides by providing a common space for neighbors to meet and work together; and

Whereas, Minneapolis' community gardens reflect the cultural and ethnic diversity of the city, including gardeners who speak English, Spanish, Hmong, Somali, and Korean; and

Whereas, community gardens empower residents to become more active in their communities, providing cross-cultural and intergenerational opportunities for people to come together; and

Whereas, community gardens reduce the urban heat island effect and filter rainwater, helping to keep our rivers, lakes, and groundwater clean; and

Whereas, community gardens provide access to nutritionally rich and culturally specific foods that may otherwise be unavailable to inner-city residents; and

Whereas, community gardens provide horticultural therapy and exercise, helping to draw people out of their homes and get active; and

Whereas, community gardens combat inactivity, unhealthy eating habits and social isolation thus reducing risk of diabetes and obesity; and

Whereas, community gardens educate neighbors about land stewardship, providing an informal classroom for children and adults to learn skills caring for the natural environment; and

Whereas, community gardens enhance crime prevention efforts and improve property values; and

Whereas, community gardens provide a more livable environment in Minneapolis and present a positive local image to a community's residents and visitors; and

Whereas, community gardeners are grateful to the City of Minneapolis Public Works' Solid Waste Department for the delivery of over 2400 yards of yard waste compost for the last four years and Public Works' Water Treatment and Distribution Services Division for providing access to water; and

Whereas, the Homegrown Minneapolis Initiative's Implementation Taskforce will continue the work of improving local food systems, which includes the support of community gardens, for healthier residents and more resilient communities; and

Whereas, Minneapolis supports community gardens through the 2010 Community Garden Pilot Program and recently enacted Community Garden lease as part of its commitment to promoting access to good nutrition, improving the ecological footprint of the city, encouraging active and healthy living and providing spaces for human interaction, food production and beauty in our daily lives; and

Whereas, the Parade of Community Gardens takes place in the Twin Cities Metro on August 21, 2010, giving residents an opportunity to learn about community gardening and visit gardens in their area;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That we commend the more than 4,000 Minneapolis residents who participate in community gardens for their valuable contributions to our city.

Be It Further Resolved that we declare August 21, 2010 as Community Gardening Day in the City of Minneapolis.

Adopted 8/20/2010.

Absent - Goodman, Johnson.

Resolution 2010R-401, honoring Kathleen Anderson for her dedicated service to the Minneapolis Heritage Preservation Commission, was adopted 8/20/2010 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2010R-401**

**By Schiff, Reich, Gordon, Hofstede, Johnson, Samuels,  
Lilligren, Goodman, Glidden, Tuthill, Quincy, Colvin Roy and Hodges**

**Honoring Kathleen Anderson for her dedicated service to the Minneapolis Heritage Preservation Commission.**

Whereas, Kathleen has served on the Heritage Preservation Commission since 1987, attended over 500 HPC meetings, and participated in countless deliberations and actions of the Commission; and

Whereas, Kathleen proudly served as the Commission's representative for the Committee on the Urban Environment (CUE) for the first four terms of her tenure; and

Whereas, Kathleen has served as a member of the Saint Anthony Falls Heritage Board, participating in nearly one-hundred meetings of the board overseeing funding for capital improvements and educational programs in the Heritage Zone; and

Whereas, for the last ten years, Kathleen has represented the Commission as one of the members who lives in a historic district; and through her simple, optimistic act of buying a condominium in the North Star Lofts set an early example to many others who followed her lead by moving to the central riverfront; and

Whereas, Kathleen has been actively involved with the designation and retention of significant buildings in Minneapolis, the respectful rehabilitation of historic buildings, and the conservation of historically significant neighborhoods; and

Whereas, Kathleen participated in decisions to designate the South Ninth Street Historic District, the Stevens Square Historic District, the Healy Block Historic District, the Harmon Place Historic District, the University of Minnesota Greek Letter District, the merger of the Local and National Register Minneapolis Warehouse District, and countless individual landmarks; and

Whereas, Kathleen has been steady, dedicated, and loyal to the goals and principals of preservation over the years of her service; and, she has modeled fair-minded and even-handed decision making throughout;

Now, therefore, be it resolved by the Heritage Preservation Commission, the Planning Director of the City of Minneapolis, the Minneapolis City Council, and the Mayor:

That we thank Kathleen Anderson for her faithful and constructive service in extending the progress of the city and in promoting the welfare of its people; and

That we extend her our best wishes for good health and happiness, trusting that the friendships and understanding built in our mutual undertakings will be with us always; and

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That we recognize Kathleen Anderson's excellent contributions to the City of Minneapolis, the Minneapolis Heritage Preservation Commission, the Minneapolis Committee on the Urban Environment, and the Saint Anthony Falls Heritage Board, and wish her well in all of her new ventures.

Adopted 8/20/2010.

Absent - Goodman, Johnson.

Resolution 2010R-402, honoring John Crippen for his dedicated service to the Minneapolis Heritage Preservation Commission, was adopted 8/20/2010 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2010R-402**

**By Schiff, Reich, Gordon, Hofstede, Johnson, Samuels,  
Lilligren, Goodman, Glidden, Tuthill, Quincy, Colvin Roy and Hodges**

**Honoring John Crippen for his dedicated service to the Minneapolis Heritage Preservation Commission.**

Whereas, the Minneapolis Heritage Preservation Commission is the quasi judicial citizen review panel that provides direction and regulation on preservation business within the City of Minneapolis; and

Whereas, John has served on the Heritage Preservation Commission since his appointment in 2007, attended over sixty HPC meetings, and participated in many more deliberations and actions of the Commission; and

Whereas, John has served as the Mayor's Representative to the Commission, and

Whereas, John has represented the Commission as one of the members who owns property in a historic district; and

Whereas, John has been actively involved with the designation and retention of significant buildings in Minneapolis, the respectful rehabilitation of historic buildings, and the conservation of historically significant neighborhoods; and

Whereas, John participated in decisions to designate the merged Local and National Register Minneapolis Warehouse District, and five individual landmarks; and

Whereas, John has been steady, dedicated, and loyal to the goals and principals of preservation in his service to the City and as an employee and representative of the Minnesota Historical Society, and

Whereas, John is dedicated to improving the quality of life in the Twin Cities through his strong management skills as Director of the Mill City Museum, and

Whereas, John is dedicated to improving the quality of life in the state of Minnesota through his strong management skills as statewide Director of Historic Sites & Museums;

Now, therefore, be it resolved by the Heritage Preservation Commission, the Planning Director of the City of Minneapolis, the Minneapolis City Council, and the Mayor:

That we thank John Crippen for his faithful and constructive service in extending the progress of the city and in promoting the welfare of its people; and

That we extend him our best wishes for good health and happiness, trusting that the friendships and understanding built in our mutual undertakings will be with us always; and

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the we recognize John Crippen's excellent contributions to the City of Minneapolis, the Minneapolis Heritage Preservation Commission, the Saint Anthony Falls Heritage Board, and the Minnesota Historical Society, and wish him well with his promotion within the Minnesota Historical Society and in all of his life's endeavors.

Adopted 8/20/2010.

Absent - Goodman, Johnson.

Resolution 2010R-403, honoring Mike Ostrowski as an Election Day Champion, was adopted 8/20/2010 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2010R-403**

**By Gordon, Lilligren, Reich, Hofstede, Johnson, Samuels,  
Goodman, Glidden, Schiff, Tuthill, Quincy, Colvin Roy and Hodges**

**Honoring Mr. Mike Ostrowski as an Election Day Champion.**

Whereas, on Tuesday, August 10, 2010, the night of the State Primary Election, the City of Minneapolis experienced severe storms and flash flooding, and many of the City's elections workers on their way to the Elections Warehouse in Northeast Minneapolis had difficulty navigating the flooding streets; and

Whereas, Mike Ostrowski, a mechanic employed by Boyer Ford Light Trucks, noticed an election worker caught in a flooded intersection and came to her rescue, delivering her and the election materials she was transporting to the Elections Warehouse in his tow truck, then helped her home; and

Whereas, Mr. Ostrowski assisted a second election worker about to enter the same intersection, returning election materials to the warehouse so that the worker could return home safely; and

Whereas, Mr. Ostrowski is to be commended for his sense of civic duty and pride in his community;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the City Council publicly expresses sincere appreciation to Mike Ostrowski for his selfless acts, which ensured the safety of the City's election workers and the security of election materials, and for demonstrating the tenets of Public Service and Public Excellence through his commitment to civic duty and community pride.

Adopted 8/20/2010.

Absent - Goodman, Johnson.

**NEW BUSINESS**

Gordon moved to introduce the subject matter of an ordinance amending Title 13, Chapter 319 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Open Air Motor Vehicle Parking Lots, for first reading and referral to the Regulatory, Energy & Environment Committee (amending various provisions to allow for and regulate temporary event parking). Seconded.

Adopted by unanimous consent 8/20/2010.

Absent - Goodman, Johnson.

Glidden moved to introduce the subject matter of an ordinance amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to Zoning Code: Zoning Districts and Maps Generally, for first reading and referral to the Zoning & Planning Committee (to rezone select parcels and amend the boundaries of overlay districts as an implementation step of the 38th Street and Chicago Avenue Small Area/Corridor Framework Plan). Seconded.

Adopted by unanimous consent 8/20/2010.

Absent - Goodman, Johnson.

Samuels gave notice of intent to introduce at the next regular meeting of the City Council the subject matter of an ordinance amending Title 4, Chapter 64 of the Minneapolis Code of Ordinances relating to Animals and Fowl: Dogs, Cats, Ferrets, and Rabbits (amending various regulations pertaining to dangerous and potentially dangerous animals).

Glidden gave notice of intent to introduce at the next regular meeting of the City Council the subject matter of an ordinance amending Title 1, Chapter 2 of the Minneapolis Code of Ordinances relating to General Provisions: Administrative Enforcement and Hearing Process (amending Section 2.120 to remove the date of assessment certification).

**AUGUST 20, 2010**

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Schiff moved to adjourn to Room 315 City Hall to consider the matter of *Baribeau, et al. v. City of Minneapolis, et al.* Seconded.

Adopted upon a voice vote 8/20/2010.

Absent - Goodman, Johnson.

Room 315 City Hall

Minneapolis, Minnesota

August 20, 2010 - 10:45 a.m.

The Council met pursuant to adjournment.

Council Vice President Lilligren in the Chair.

Present – Council Members Colvin Roy, Tuthill, Quincy, Glidden, Hodges, Samuels, Gordon, Reich, Schiff, Vice President Lilligren.

Absent - Council Member Goodman, Council President Johnson.

Jim Moore stated that the meeting may be closed for the purpose of discussing attorney-client privileged matters involving the matter of *Baribeau, et al. v. City of Minneapolis, et al.*

At 10:47 a.m., Schiff moved that the meeting be closed. Seconded.

Adopted upon a voice vote.

Absent - Goodman, Hofstede, Johnson.

Present - Council Members Colvin Roy, Tuthill, Quincy, Glidden, Hodges, Samuels, Gordon, Reich, Hofstede (in 10:51 a.m.), Schiff, Lilligren.

Absent - Council Members Goodman, Johnson.

Also present - Susan Segal, Peter Ginder and Jim Moore, City Attorney's Office; Casey Joe Carl and Anissa Hollingshead, City Clerk's Office.

Jim Moore summarized the matter of *Baribeau, et al. v. City of Minneapolis, et al* from 10:47 a.m. to 10:50 a.m.

At 10:50 a.m., Schiff moved that the meeting be opened. Seconded.

Adopted upon a voice vote.

Absent - Goodman, Hofstede, Johnson.

Quincy moved to approve settlement of the case of *Jessica Baribeau, et al. v. City of Minneapolis*, United States District Court File No.: 06-4953 (JNE/SRN) with payment of a total of \$165,000 to Plaintiffs and their attorney, Jordan Kushner. The payment shall be from Fund/Org 06900-1500100-145400. The City Attorney's Office is hereby authorized to execute any documents necessary to effectuate the settlement. Seconded.

Adopted 8/20/2010.

Absent - Goodman, Johnson.

Schiff moved to adjourn. Seconded.

Adopted upon a voice vote 8/20/2010.

Absent - Goodman, Johnson.

The adjourned session of the City Council meeting was tape recorded with the tape on file in the office of the City Clerk.

Casey Joe Carl,  
City Clerk.

Unofficial Posting: 8/24/2010

Official Posting: 8/27/2010

Correction: 9/10/2010